United Nations A/HRC/37/61/Add.1

General Assembly

Distr.: General
25 January 2018

Original: English

Human Rights Council
Thirty-seventh session
26 February–23 March 2018
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Report of the Special Rapporteur on the right to food on her mission to Zambia

Note by the Secretariat

The Secretariat has the honour to transmit to the Human Rights Council the report of the Special Rapporteur on the right to food, Hilal Elver, on her mission to Zambia from 3 to 12 May 2017.

In the report, the Special Rapporteur considers the wide range of policies and programmes that Zambia has adopted to strengthen the agricultural sector, given its vital role in the realization of the right to food.

Access to adequate and nutritious food is still a challenge throughout most of the country, with women and children in rural areas faring worst. The Government's policy of turning export-oriented large-scale commercial agriculture into the driving engine of the national economy, in a situation where land protection is weak, runs the risk of pushing peasants off their land, which in turn could push them out of production, with a severe impact on their right to food.

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Report of the Special Rapporteur on the right to food on her mission to Zambia*

Contents

		Page
I.	Introduction	3
II.	General situation	3
III.	Legal and institutional framework of public policies	4
	A. Legal framework	4
	B. Institutional and public policy framework	6
IV.	Agricultural policy	6
	A. Land tenure and dual structure of property rights	7
	B. Export-oriented agricultural policy	8
	C. Displacement and resettlement	8
	D. Access to inputs, agricultural extension services, credit and financial services	9
	E. Livestock	10
	F. Fisheries	10
	G. Poaching and the management of natural parks	11
V.	Impact on the right to food	11
	A. Availability	11
	B. Accessibility	12
	C. Adequacy: all forms of malnutrition	13
	D. Sustainability: risks associated with large-scale commercial agriculture	15
VI.	Population groups requiring special attention	16
	A. Women	16
	B. Agricultural workers, including child labour	16
	C. People living in refugee camps	17
VII.	Conclusions and recommendations	18

* Circulated in the language of submission and English only

I. Introduction

1. The Special Rapporteur on the right to food, Hilal Elver, undertook a mission to Zambia from 3 to 12 May 2017, at the invitation of the Government, with the aim of assessing the progress made and the challenges faced in realizing the human right to adequate food.

2. The Special Rapporteur thanks the Government of Zambia for its invitation to visit the country and for the cooperation extended to her prior to and during the visit.

3. During her stay, the Special Rapporteur met with representatives of the Ministry of Foreign Affairs, the Ministry of Agriculture, the Ministry of Fisheries and Livestock, the Ministry of Lands, the Ministry of Health, the Ministry of Gender and Child Development, the Ministry of National Planning, the Ministry of Commerce, Trade and Industry, the Ministry of Community Development and Social Services, as well as with representatives of the Disaster Management and Mitigation Unit of the Office of the Vice President. She also met with the Human Rights Commissioner, various representatives of the traditional authorities of Zambia, representatives of international organizations and a range of national civil society actors.

4. The Special Rapporteur is grateful to the United Nations Resident Coordinator and her staff for their support both in the preparation of the visit and during it. She thanks the colleagues of various United Nations agencies who helped to organize an important part of the field visits and provided useful insights.

5. During her time in Zambia, the Special Rapporteur had the opportunity to undertake several field trips. In Mkushi, Central Province, she interviewed members of a community under the threat of displacement. She visited the Kasisi farm in Lusaka Province, engaged in agroecological farming. In Kaoma, Western Province, she met with children transitioning from work in tobacco farms to participating in formal education, and she had the opportunity to visit the Mayukwayukwa refugee camp, where she interviewed children, women and men. Lastly, she met with adolescent mothers in a nutrition project and with farmers involved in a conservation farming project in the Mumbwa district in Central Province. All the people she met shared personal and at many times heartbreaking stories and experiences. The Special Rapporteur expresses her sincerest gratitude to everyone who took the time to meet with her. The contributions were vital to the success of her visit.

II. General situation

6. Zambia is a landlocked country with fertile soil and water-rich farmlands. Over the past decades, the country has enjoyed political stability and consistent economic growth. It nonetheless faces numerous challenges in the form of food insecurity, undernutrition, chronic poverty and natural disasters. Like many other southern African countries, it suffers from increasingly unpredictable weather patterns affecting communities and their food security.

7. According to the World Bank, since 2005, Zambia has experienced impressive economic growth at a yearly average of 6 to 7 per cent. Growth has dropped to around 3 per cent in the past three years.[1] This decline has been driven by drought and a fall in the price of copper, one of the State's most important exports.

8. Unfortunately, more than a decade of strong economic growth has not translated into significant poverty reduction. In 2015, around 55 per cent of the population lived below the poverty line, while 40 per cent lived in a situation of extreme poverty.[2] Moreover, according to the World Bank, in absolute numbers, the people living in poverty increased from about 6 million people in 1991 to almost 8 million in 2010, due mainly to population growth.[3]

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[1] World Bank, GDP growth (annual %) (see https://data.worldbank.org/indicator/NY.GDP.MKTP.KD.ZG?locations=ZM).

[2] See Central Statistical Office, 2015 Living Conditions Monitoring Survey Report.

[3] Alejandro de la Fuente, Andreas Murr and Ericka Rascon, *Mapping Subnational Poverty in Zambia* (World Bank Group, Washington, D.C., March 2015).

9. Economic growth in Zambia has been largely unequal and non-inclusive. The Gini Coefficient, a measure of income inequality, increased from 0.60 in 2006 to 0.69 in 2015.[4] The recent figure represents one of the 10 highest income inequalities in the world. The increase is attributed to a widening divide between urban and rural areas. In 2015, the rural poverty rate was 76.6 per cent, more than triple the urban poverty rate of 23.4 per cent. Virtually no decrease in the poverty rate was observed in rural areas between 2010 and 2015.[5]

10. Situations of poverty are closely linked to food insecurity. Gaining access to adequate and nutritious food is a challenge across most of the country, with women and children in rural areas faring worst. According to a demographic and health survey conducted in 2013-14, wasting was identified in approximately 6 per cent of children under five, a manifestation of extreme food insecurity.[6] An important part of the Zambian population is unable to afford a "minimum food basket" or a diversified diet.

11. According to the *2016 Global Nutrition Report*, Zambia is the country with the seventeenth largest burden of undernutrition of 132 countries.[7] An alarming 40 per cent of children under 5 years of age in Zambia are stunted.[8] The absolute number of stunted children increased between 1992 and 2013, from 685,000 children to 1.14 million children.[9] This is a matter of grave concern, since the effects of undernutrition are irreversible. Lack of access to adequate and nutritious food will have a detrimental effect on future generations and must be addressed as a matter of urgency.

12. The Special Rapporteur observed that the current dual land tenure system in Zambia lacks certain protection mechanisms to secure access to land for smallholder farmers, for various reasons. The Government's policy to turn export-oriented large-scale commercial agriculture into a driving engine of the economy, in a situation where land protection is weak, risks pushing peasants off their land. This in turn will force them out of production, with a severe impact on the people's right to food. In a country like Zambia that highly values its peace and social cohesion, the impact of increasing land tensions could have detrimental effects.

13. The impact of such polices is particularly worrying considering that smallholder farmers account for almost 60 per cent of the population and are dependent on land for their livelihoods; at the same time, they feed around 90 per cent of the Zambian population. Effective protection of smallholder farmers would guarantee national self-sufficiency, extremely important given the unpredictable weather patterns in the region and volatile global food prices.

III. Legal and institutional framework of public policies

A. Legal framework

14. As a State party to the International Covenant on Economic, Social and Cultural Rights (ratified in 1984), Zambia has a duty to respect, protect and fulfil the right to food, and has committed to take the appropriate steps, to the maximum of its available resources, to ensure the realization of the right to an adequate standard of living, including adequate food, as articulated in articles 2 (1) and 11 of the Covenant.

15. Zambia is party to other core international human rights treaties, including the Convention on the Elimination of All Forms of Discrimination against Women, the

[4] See Central Statistical Office, 2015 Living Conditions Monitoring Survey Report.

[5] Ibid.

[6] Central Statistical Office, *Zambia: 2013-14 Demographic and Health Survey Key Findings*, March 2015, p. 11.

[7] International Food Policy Research Institute, *2016 Global Nutrition Report: From Promise to Impact: Ending Malnutrition by 2030*, Washington, D.C., 2016.

[8] Government of Zambia, Central Statistical Office, *Living Conditions Monitoring Survey Report 2006 and 2010*.

[9] Ibid.

Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities, all of which contain provisions explicitly linked to the right to adequate food. Zambia has not, however, ratified the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

16. Zambia has ratified the African Charter on Human and Peoples' Rights, and has signed but not ratified the African Charter on the Rights and Welfare of the Child. It has also ratified the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa.

17. Under these international instruments, the State is required to take practical measures for the progressive realization of the human right to food, using the resources available to it to the maximum. The human right to food implies the right to have regular, permanent and unrestricted access to food, either directly or through purchase, at a level that is sufficient and adequate in both qualitative and quantitative terms, that corresponds to the cultural traditions of the population that ensures a fulfilling and dignified life, free of fear, physically and mentally, for the individual and the collective. States have a basic obligation to take the necessary action to mitigate and alleviate hunger, even in times of natural or other disasters.

18. Zambia has a dualist system in which both statuary and customary laws apply, which requires domestication of international instruments for them to be enforced in a court of law. International instruments are not self-executing after ratification or accession, and individuals cannot use a ratified international instrument to enforce a right contained therein. There is still no legal framework or set of guidelines for the domestication of international instruments.

1. Constitution

19. The Constitution of Zambia is the supreme law of the land; any law in contravention of its provisions is void. The State adopted the Constitution in 1991, which has since been amended on several occasions (in 1996, 2009 and 2016).

20. The Special Rapporteur is concerned that the proposed revision of the Bill of Rights, which would have led to the inclusion of economic, social and cultural rights in the Constitution, was voted down in a referendum held in August 2016. This was a missed opportunity for the broadened protection of human rights in Zambia.

21. The Special Rapporteur is also concerned that the Constitution exempts certain customary discriminatory practices from its non-discrimination provisions through a customary law "carve-out". Article 23 (4) (c) and (d) prohibit discrimination, but do not apply it to laws on the devolution of property or other personal law matters, or to customary laws (with certain restrictions).

22. The right to food (among other rights) is hence not properly enshrined in the Constitution of Zambia. Without its explicit inclusion in the Constitution, the right to food cannot be adjudicated by the courts. The Special Rapporteur emphasizes the importance of an explicit recognition in law of the right to adequate food. The justiciability of economic, social and cultural rights, including the right to adequate food, allows persons who claim that they have been victims of violations of rights to which they are entitled to submit a complaint before an independent and impartial body, to seek adequate redress and to enforce an appropriate remedy.

23. The Special Rapporteur also emphasizes that the availability of legal action is basic to the protection of human rights. The ratification of the Optional Protocols to the International Covenant on Economic, Social and Cultural Rights and to the Convention on the Rights of the Child would enable everyone, including children, to obtain effective redress.

2. Framework law

24. Zambia lacks a framework law on food and nutrition. A general legal framework on the right to adequate food could help to ensure the consolidation of a whole range of policies, strategies and programmes. It should emphasize both the economic and physical accessibility, and the availability and adequacy, of food.

3. Other laws and regulations

25. Zambia is composed of more than 70 ethnic groups, each with its own customary laws and practices, passed on orally from one generation to another. The Local Courts Act of 1996 was enacted to recognize customary law and have it administered in judicial courts.

26. The unequal dual legal system is challenging, as in many instances customary laws that might be regarded as inferior come into conflict with statuary law. This multiplicity of legal systems, without proper and updated rules governing the conflict of law, could have a negative impact on peoples' right to judicial remedy and their capacity to make use of the court system effectively.

B. Institutional and public policy framework

27. The Government of Zambia has defined its development agenda through Vision 2030, the first long-term plan to make Zambia a middle-income country by 2030. The Government recently finalized its seventh national development plan (2017-2021) with a focus of creating a resilient and diversified economy. Its pillars include important elements with regard to poverty reduction and the alignment of human development with the 2030 Agenda for Sustainable Development, particularly Sustainable Development Goal 1 on the elimination extreme poverty, and Goal 2, on ending hunger, achieving food security and improved nutrition, and promoting sustainable agriculture.

28. An implementation plan was recently launched with the aim of establishing a prioritization framework. Specific objectives include the creation of strong linkages between the seventh national development plan and the annual budget, and the facilitation of more participatory and decentralized development planning.

29. A number of ministries play a key role in the realization of the right to food in Zambia. During her visit, the Special Rapporteur observed that the budget allocated to each ministry varied greatly. She hopes that the implementation of the national development plan will help to ensure that funds are allocated in a fair and transparent manner, guided by a human rights-based approach.

30. The Special Rapporteur had the opportunity to meet the Commissioner for Human Rights and other members of the Human Rights Commission. The Commission is mandated by the Constitution of Zambia to ensure that the Bill of Rights is upheld and protected. The Special Rapporteur encourages the Government to increase the budget allocated to the Commission to enable it to conduct its work in accordance with the Paris Principles. Despite the increases in its budget, and considering the severity of human rights issues in Zambia the Commission should be further supported and administratively empowered. The proper functioning of a national independent institution overseeing human rights in accordance with the Paris Principles is crucial to the protection and promotion of human rights in Zambia.

IV. Agricultural policy

31. The Ministry of Agriculture recently launched the second national agricultural policy (2016-2025) with the aim to ensure the country's food and nutritional goals. It contains the right to adequate and nutrition food as one of its guiding principles. The Government of Zambia has identified the agricultural sector as a key driver and means to diversify the economy. It has in fact allocated 9.4 per cent of the total national budget to the Ministry of Agriculture.

32. Of the total land area of Zambia, about 43 million hectares (58 per cent) is arable land, classified as medium to high potential for agriculture production. Despite this, only 14 per cent of agricultural land is currently utilized.[10] Of all southern African countries,

[10] Ministry of Agriculture and Ministry of Fisheries and Livestock, Second National Agricultural Policy, Lusaka, February 2016.

Zambia is the richest in water resources, with surface and underground water supplies accounting for some 45 per cent of the total water supply.

33. Information received from the Ministry of Agriculture explained that farmers in Zambia are split up into three major categories, on the basis of the size of the area cultivated: small-scale farmers (1-5 hectares); medium-scale farmers (between 5 to 20 hectares); and large-scale commercial farmers (above 20 hectares). While large-scale farmers account for only 4 per cent of farm households, they cultivate 22 per cent of all cropped land.

34. The agriculture sector recorded an average growth of 7 per cent in the period from 2008 to 2012, a clear indicator of its potential. During the 2015/16 season, Zambia recorded an increase in its maize production from 2.6 million tons to more than 2.8 million. Zambia was in fact the only country in southern Africa to produce a surplus crop of maize. Other crops also recorded an increase, including sorghum, rice, sunflower, groundnuts and soya crops. The productivity of most crops remains however very low (maize included); according to information received from the Ministry of Agriculture during the mission, one hectare currently yields only 2.1 ton, against a potential yield of 4-8 tons.

A. Land tenure and dual structure of property rights

35. Access to land and security of tenure are essential to ensure that smallholder farmers are able to secure a decent standard of living. The right to food imposes a duty on States not to deprive individuals of access to the productive resources on which they depend.

36. In Zambia, the most recent public figures show that between 85 and 90 per cent of land is currently under customary tenure, with the remainder constituting State land. According to the 1995 Lands Act, all land in Zambia is administered and controlled by the President, or by traditional chiefs, for the direct or indirect use or common benefit of all people.

37. There are a number of challenges and concerns related to land tenure. The unequal dual land tenure system has created a situation where landholders on State land enjoy the full protection of their property rights, while those under customary tenure are considered to be occupants and users, without the same protection. There is also a lack of commonly agreed documentation to protect customary land at the family, village and chiefdom levels.

38. Under the 1995 Land Act, no land may be sold, transferred or assigned without the President's consent. Before the President can convert customary land to State land, he is required to consult any person likely to be affected. There seems to be a lack, however, of effective monitoring and administration of this procedure. The Special Rapporteur insists that effective land administration and the enforcement of existing laws and regulation are necessary to protect communities and small-scale farmers.

39. In addition, the Lands and Deeds Registry Act should be amended to remove the inequality of the dual land tenure system. It should render invalid certificates of title when a prior customary land right exists, and it should also allow for legal action by customary landholders against registered proprietors.

40. With regard to women and their right to land, the Special Rapporteur recommends that the laws relating to marriage and inheritance be amended, given that these are the main ways by which women have access to land. Even though the Intestate Succession Act (1989) prohibits the eviction of a surviving spouse from a matrimonial home and protects a woman's access to inheritance, this is not always what happens. The Act should also be amended so that it explicitly extends to customary land and family property (in its current form, section 2 of Act excludes its application to customary land). The Special Rapporteur also recommends that the Government formulate a policy to encourage the joint registration of property, which would help to address the issue of unequal succession.

B. Export-oriented agricultural policy

41. The Government is currently taking measures to transform its agriculture sector as part of a strategy of economic diversification, with the aim of boosting agricultural exports and incentivizing foreign investment. Agricultural investment in Zambia is rising; the Government is marketing and planning the development of at least 1.5 million hectares of its land.[11] Abundant supplies of land and water, a "positive" investment climate and political stability are all incentives for investment.

42. Zambia has a legislative framework for agricultural investment that outlines procedures for consultation, including environmental impact assessment, and protection for traditional land users. In reality, however, there seems to be a lack of consultation and of participation in decision-making. Furthermore, protection of small-scale farmers and traditional and customary land users is weak.

43. According to information received during the visit, and as suggested by relevant research, various legislative and institutional reforms have been made since the 1990s that erode the traditional land rights enjoyed by traditional chiefs in Zambia, which has, in turn, increased the amount of land that can be transferred to private investors. Men and women who have traditionally farmed the land within chiefdoms are losing their access to land.[12]

Farm Block Development Programme

44. As part of its agricultural strategy, in 2002 the Government initiated the Farm Block Development Programme, a public-private form of cooperation. Across all provinces, a number of 100,000 hectare farm blocks were allocated. The aim of the Programme was to increase commercial farming, strengthen food security through the production of adequate food, and provide positive synergies for nearby smallholder farmers to reduce poverty levels. The development of farm blocks has, however, been rather slow, owing mainly to the high investment costs of each farm block (between $40 million and $50 million), as they require electrical power, roads, bridges and dams.

45. The internal farm plots in the farm blocks are of various sizes in order to cater for small-scale, medium-scale and large-scale farmers. According to the Government, the development of farm blocks takes into account existing settlements; farmers already settled in the area are not displaced, but rather incorporated. While the farm blocks have the potential to increase public investment and to create local job opportunities, besides providing greater market access, in many cases they have also forced people to leave their land.

46. With regard to the first farm block venture of Nansanga in Serenje, Central Province, the Special Rapporteur received information that the project had suffered from planning problems, delays in infrastructure development and lower than expected interest from investors. From the perspective of the local communities, the Special Rapporteur also received worrying reports of lack of participatory processes, land disputes and displacements. These have had a negative impact on residents' rights to food, health, housing and education.[13]

C. Displacement and resettlement

47. The Special Rapporteur was informed by the Government that, owing to large-scale agricultural investments, communities are being resettled. Unfortunately, there is currently no official registry of the number of people who have been or will be displaced or resettled. According to statistics for 2015 on the national resettlement policy provided by the Office of the Vice President, more than 70,000 households were likely to be displaced in the near future, while more than 1,000 had already been displaced and resettled in various places in

[11] Felix Horne, *Understanding Land Investment Deals in Africa. Country Report: Zambia* (Oakland Institute, Oakland, 2011).

[12] Ibid.

[13] Human Rights Watch, Forced to Leave: Commercial Farming and Displacement in Zambia, October 2017.

the previous five years. The causes of displacement were various, such as lack of land rights, natural disasters, encroachment, development projects and differences in religious or social affiliations.

48. It would seems that the resettlement policy makes no clear distinction between those to be resettled as a result of a disaster and those to be resettled because of land-based investment, which would however be important from the perspective of human rights, particularly with regard to the Government's responsibility.

49. The Special Rapporteur visited the Ngambwa community in Mkushi, Central Province, where around 70 families were living in a community, in makeshift conditions. Most of the community members had been living in the area since the 1980s, and currently survived on low-income informal work, mainly as agricultural workers. In her interviews, the Special Rapporteur was informed that the people ate barely once a day, that sometimes they were forced to make soup from local green plants to feed their families and children, and that they were under the constant threat of eviction. The Special Rapporteur recommends that the authorities take all measures necessary to guarantee the affected families' right to food, including their access to land.

50. According to Human Rights Watch, gender-based discrimination can put women at greater risk when large commercial farms seek to acquire or develop land that has long been used by small-scale farmers.Women may have a more limited say in consultations or decisions regarding the investment and resettlement plans, as they are not perceived as having authority over land. Women might also have less access to information regarding, for example, impact on food crops or forest products gathered by women.[14]

51. According to international standards, where a community is settled on a parcel of land and depends on that land for its support and livelihood, the obligation to respect and protect the right to food requires that the eviction of the community from that land be prohibited, except in certain circumstances. No eviction should be carried out that is not in accordance with the criteria set out by the Committee on Economic, Social and Cultural Rights in its general comment No. 7 (1997) on the right to adequate housing.

D. Access to inputs, agricultural extension services, credit and financial services

52. The Government spends around 53 per cent of the budget allocated to the Ministry of Agriculture on input support to farmers. The Farmer Input Support Programme provides subsidized inputs to at least 1.6 million smallholder farmers either through the conventional approach or a new E-voucher system. Under the new system, which was to replace the conventional approach completely by the end of 2017, farmers are issued a pre-charged card with which they can purchase inputs from identified and authorized agro-dealers. The new system has encountered challenges in its implementation related to the lack of technological infrastructure.

53. The Special Rapporteur received information according to which the programme was not well targeted and still overly focused on maize production. Yields of maize remain persistently small, graduation of famers is low and, despite the increases witnessed in maize production, there has been no significant impact on malnutrition or on reducing rural poverty. The programme, if properly utilized, could be a real opportunity for the development of smallholder farmers and the overall reduction of rural poverty rates.

54. The Government has developed the National Agriculture Extension and Advisory Services Strategy (2017-2020) in order to harmonize public and private extension service provision. Public extension services are currently hampered by a high farmer-to-extension worker ratio (1,140 farmers to 1 extension worker), much higher than the recommended ratio of 400 farmers per worker.

[14] Ibid

55. According to information provided by the Ministry of Agriculture during the mission, access to credit and financial services by farmers in Zambia remains low, at around 15 per cent. The Government recognizes the need for greater access to agricultural credit and financial services, a situation compounded by the fact that around 60 per cent of the rural population that relies predominately on agriculture do not even have access to a bank. In 2010, the Agricultural Credit Act was adopted to allow farmers to use their crops as collateral. The Act has still not been successfully implemented, however, owing to the lack of proper infrastructure and complementary services, such as insurance.

56. The Government recognizes the importance of market access in agricultural development. Specific projects, such as the Smallholder Agribusiness Promotion Programme, link farmer organizations and cooperatives with markets. During her field visits, the Special Rapporteur noted that the clear lack of access to markets was a challenge to smallholders, in particular in the face of competing large-scale producers with already established buyers. The Programme, which started in 2012, is aimed at addressing this issue by promoting public-private partnerships. A second phase of the programme, initiated in July 2017, will benefit more than 61,000 smallholder farmers, in particular women and young people.[15] The Special Rapporteur is concerned that the Programme might be limited in scope in that it mainly focuses on the private sector.

E. Livestock

57. The livestock subsector, currently underexploited, has great potential for growth; for example, figures provided by the Ministry of Agriculture showed that the cattle population rose from 2.4 million head in 2004 to 4.3 million in 2014.[16] Given the large growth in per capita income and increasing urbanization, projections show a large future imbalance between supply and demand, characterized by significant deficits in both meat (434,000 tons) and milk (940 million litres) in 2027. [17] Poultry production has increased by an average of 20 per cent per year, while the pig industry has also witnessed significant growth in the past five years.

58. The Special Rapporteur recommends that the sector be further strengthened, given its importance to the livelihood of smallholder farmers. Special programmes for small livestock should also be strengthened, to increase the income of rural families and thereby help to address the issue of malnutrition, in particular of children.

F. Fisheries

59. Some 15 million hectares of land in Zambia is covered by water, the basis for extensive freshwater fisheries. They play an important role in the economy, providing employment, generating income, and contributing to food security, given that they account for 3.2 per cent of GDP. According to estimates in the second national agricultural policy,, the country has the potential to increase fish production to an estimated 150,000 tons per year.[18]

60. Being a relatively new sector, aquaculture is still characterized by low levels of productivity; the current demand for fish far exceeds supply. Growing demand for fish has in fact resulted in overfishing and consequently depletion of stocks. This situation has been compounded by the use of illegal and unsustainable fishing methods, decreasing the per capita fish supply from 12 kg in 2014 to only 7 kg.[19] In the opinion of the Special

[15] International Fund for Agricultural Development (IFAD), "Zambia to benefit from US$22.2 million from IFAD to boost food security and nutrition and increase incomes of smallholder farmers", 6 July 2017.

[16] Ministry of Agriculture, Second National Agricultural Policy (see footnote 10), p. 8.

[17] Ibid., p. 7.

[18] Ibid., p. 6.

[19] Ibid., p. 7.

Rapporteur, the sector could provide an important opportunity for the development of rural employment and the reduction of poverty, hence facilitating the realization of the right to food.

G. Poaching and the management of natural parks

61. Some 30 per cent of land in Zambia is reserved for wildlife: 20 national parks and 34 game management areas combine to raise national income thanks to tourism. The 2015 Zambia Wildlife Act aims to protect wildlife in the parks. The tension between the situation of food-insecure farmers in areas adjacent to the parks and the need to control poaching in an efficient manner is well known.

62. In 2003, the Wildlife and Environmental Conservation Society of Zambia proposed an innovative idea to fight poaching by helping farmers to achieve food and income security: the Community Markets for Conservation (COMACO). The programme teaches farmers conservation agriculture techniques to improve yields; with larger yields and higher prices for produce, farmers are no longer need to poach to survive. By 2015, the COMACO network had trained more than 107,000 farmers in sustainable farming methods, and many former hunters had turned over their firearms and snares in exchange for membership in the programme.[20]

63. Today, large demand by middle class families for traditional dishes made with wild-sourced meat and the small penalties for poaching, combined in particular with the enormous needs of undernourished and hungry Zambians, continue to push farmers into poaching.[21] The Special Rapporteur encourages the Government take measures to strengthen programmes aimed at reinforcing support for communities living adjacent to parks.

V. Impact on the right to food

A. Availability

64. According to right to adequate food, everyone should be able to obtain sufficient food of good quality, either through market systems or direct from the land and other natural resources.

65. Most agriculture in Zambia is rain-fed, resulting in only one growing season. Food consumption patterns change significantly over the course of the year, with a hunger peak in the months leading up to the harvest. The Government of Zambia has estimated that, owing to the El Niño effect in 2017, almost a million Zambians were affected and required emergency assistance for at least four months.

66. The southern, western and parts of the eastern provinces are more susceptible to unpredictable agriculture production levels resulting from climate shocks and fluctuations, partly because of an over-reliance on maize, which may not be suited to grow in the sandy soils commonly found in those areas. The northern and eastern parts of the country are generally characterized by high production levels, but also the highest rates of stunted growth owing to overproduction of maize and low production levels of other crops.

67. Zambia is considered to be food secure due to the strong maize production. Production of more diverse and nutritious crops is, however, still comparatively low. A large proportion of maize harvested is purchased by the Government for export or animal feed, thereby removing it from rural areas, where most people in direst need live.

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[20] Wildlife Conservation Society Newsroom, "Zambia's COMACO turns to tablet technology to monitor sustainable harvests and wildlife protection", news release, 30 December 2015.

[21] See Benjamin Rutherford, "The brutal economics of Zambia's illegal wildlife trade – in pictures", *Guardian*, 16 May 2016.

1. Dependence on maize production

68. According to official statistics, the production of maize in Zambia has continued at a pace above the rate of production of all other cereals and crops.

69. The Government spends a significant proportion of the budget allocated to the agricultural sector on the maintenance of strategic food reserves, comprising mainly maize and to a lesser extent, rice. The Food Reserve Agency is responsible for the procurement and maintenance of strategic food reserves.

70. Despite the Government's intentions to diversify agricultural production, the Special Rapporteur observed that more than 60 per cent of public expenditure in 2016 was channelled towards the production and marketing of maize. Subsidies were also used to encourage the maize sector. Considering that diversification helps to build resilience, including to economic and climate change-related shocks, the Special Rapporteur supports the Government in its strategy to intensify efforts to diversify the agricultural production and to support other agricultural sectors.

2. Role of smallholder farmers

71. With their low incomes, those working in the agricultural sector as farmers or farm workers are particularly prone to hunger. Moreover, while the majority of land is still under the control of small-scale farmers and peasants within the traditional land system, long-term security is lacking owing to the pressure to convert such lands for the exploitation of large-scale agriculture.

72. During her visit, the Special Rapporteur met with several smallholder farmer communities that complained of a severe lack of government support in relation to various issues, including the high costs of inputs, access to water and irrigations systems, access to markets to commercialize their crops, and much-needed capital and credit. Although they had some access to credit, the interest rates on credits are remarkably high and therefore impede the real access of small-scale farmers.

73. Despite the afore-mentioned gains made in the agricultural sector in general, according to the Ministry of Agriculture, they have mostly profited medium- and large-scale or emergent farmers. Recent annual rural agricultural livelihood surveys have shown that the majority of small-scale farmers continue with only two hectares of cropped land, and gain little from their production, a trend reflected also in the increase in the number of net buyers of maize among smallholder farmers from 26 per cent in 2012 to 39 per cent in 2015. Growth of this type in the sector has failed to have an impact on poverty rates in rural areas; the Special Rapporteur therefore concludes that Government's current agricultural policy has not yet been beneficial to small-scale farmers.

B. Accessibility

74. Food should be physically accessible to everyone, including persons living in remote areas and physically vulnerable persons, such as older persons or persons with disabilities. It should also be possible to purchase food for an adequate and culturally acceptable diet without compromising any other basic needs, such as education, health or housing.

1. Social protection

75. Access to sufficient and nutritious food is restricted by poverty and income levels. Social protection is an essential means of providing access to food for persons who cannot work or produce their own food. It may include a wide range of services, including food aid, rental support, health care or housing subsidies, the aim being to protect people from accidents, loss of income, inadequate income, parenthood and ageing.

76. In March 2016, the Government initiated public consultations on a social protection bill, which has not yet been presented. Social protection is afforded through the Zambia Social Protection Expansion Programme.

77. The Zambia National Social Protection Policy, approved by the Government at the end of 2014, provides the policy and strategic framework for a comprehensive and coordinated social protection programme. It reflects a broad-based approach to social protection and is built on five pillars: social assistance, social security, livelihood and empowerment, protection, and disability.

78. Many programmes and projects have traditionally suffered from being fragmented, underresourced, uncoordinated, or poorly or unsystematically targeted. Social protection was allocated around 4.2 per cent of the national budget in 2017, a relatively low figure considering the extent of poverty and marginalization in Zambia, yet an important duplication of the 2016 budget. The Special Rapporteur calls for the approval of the social protection bill and for continued and increased funding for social protection programmes.

2. Poverty reduction

79. The social cash transfer programme saw an 83 per cent increase in its budget allocation, and is expected to reach national coverage in 2018. The programme seems to have made an important impact on food security, increasing the number of meals that families can eat per day. The scheme is expected to reach 590,000 households in 2017.[22] Continued detailed and regular monitoring and evaluation of the national social protection policy and the social cash transfer programme are imperative to determine their impact on nutrition.

3. School feedings

80. The Special Rapporteur learned during her mission that the Government had recently initiated a home-grown school feeding programme, currently limited to a number of districts and schools in rural areas. She recommends that the programme be extended to cover the entire school population, including in remote areas and refugee settlements. Such a nationwide initiative would not only increase school attendance and support local smallholder farmers, but also very importantly protect children during the lean months of November and December, when family food stocks tend to be most depleted. In Kaoma, Western Province, the Special Rapporteur saw that the school feedings were vital to children's daily food intake. School meals are vital to tackling malnutrition and promoting a healthy diet.

C. Adequacy: all forms of malnutrition

81. To be considered adequate, food must meet a person's dietary needs, depending on his or her age, living conditions, health, occupation and gender, among other factors. To be adequate, food should also be safe for human consumption, free of harmful substances, culturally acceptable and nutritious.

1. Stunting and wasting

82. The first 1,000 days of life determine a person's physical and intellectual development. It is estimated that children who receive appropriate nutrition during this period are 10 times more likely to survive potentially fatal childhood diseases. They are also more likely themselves to have children who are healthier (A/71/282, para. 12).

83. Malnutrition is endemic across most of Zambia. Many children, especially those in rural areas and poor urban quarters, have no access to nutritious food on a daily basis. According to the Government's Demographic and Health Surveys, wasting in children below the age of 5 actually increased from 5 to 6 per cent between 2007 and 2013, while 15 per cent remain underweight.[23]

[22] See UNICEF, Social Protection: Zambia (www.unicef.org/zambia/5109_8462.html).

[23] Central Statistical Office, *Zambia: 2013-14* (see footnote 6).

84. The Special Rapporteur had the opportunity to speak to children in rural communities who described being limited to one meal (maize-based) a day and eating meat only on extremely rare occasions. In rural areas, the men are usually served first and given the best quality food, including meat, while the women and children are only allowed to eat what remains after the men have eaten.

85. In such situations, and given the focus on maize as the main staple, dietary diversity poses a major challenge; children simply do not consume food from enough different food groups. Almost 80 per cent of children between 6 and 23 months of age have been found to lack the necessary dietary diversity prescribed by feeding guidelines for infants and young children.[24] No national representative micronutrient survey has been conducted since 2002, however, so there are no official micronutrient deficiency statistics currently available. A protocol for the next survey is currently being reviewed, with the aim of conducting it early in 2018. The Government is nonetheless aware that the main micronutrients in deficiency among children are vitamin A and iron.

86. Acute malnutrition rates increase the rate of mortality. Recent research by Every Child Fed found that severe acute malnutrition in Zambia comes with a mortality rate of 40 per cent, five times the global average, owing to the lack of proper treatment for these cases.[25]

87. Pregnant women are particularly vulnerable to malnutrition. Although they require 35 per cent less food energy a day than men, they need the same quantity of nutrients. In Zambia, 10 per cent of pregnant women have a less than ideal body weight.[26] Deficient maternal nutrition, especially during pregnancy, has a direct impact on a child's development and survival. Undernourished mothers are more likely to give birth to babies of lower than normal weight, and those babies are more likely to die before the age of 5 years (see A/71/282).

88. The National Food and Nutrition Commission under the Ministry of Health is the national multi-stakeholder platform on nutrition. The Commission was set up in 1967 as an advisory body to the Government on all matters relating to food and nutrition.[27]

89. In 2010, Zambia joined the Scaling Up Nutrition (SUN) Movement, after which the National Food and Nutrition Strategic Plan was developed.[28] A follow-up document is currently under development. The Special Rapporteur recommends that the Government ensure that the follow-up document is aligned with the principles of the right to food, and that smallholder farmers are part of the nutrition plan as local producers, thereby helping to establish a self-sufficient, sustainable food and nutrition system for the Zambian people.

2. Breastfeeding practices

90. The World Health Organization recommends breastfeeding in the first hour after birth, and continued exclusive breastfeeding during the first six months of life. Once that stage has been passed, appropriate supplementary foods should be introduced, in conjunction with breastfeeding, and that practice should continue until a child is at least 2 years of age.

91. The vast majority of babies in Zambia are not born stunted; rather, most children become stunted between the ages of two months and two years.[29] According to official figures in Zambia, 72.4 per cent of babies between 0 and 5 months are exclusively breastfed. In interviews conducted with adolescent mothers, however, the Special Rapporteur understood that it is common practice to introduce sample feeding to babies as young as 2 or 3 months of age. This can cause an increased risk of related diseases,

[24] Save the Children, *Malnutrition in Zambia: Harnessing social protection for the most vulnerable*, London 2016, p. vi.

[25] See http://everychildfed.org/where-we-work/zambia/.

[26] Central Statistical Office, *Zambia: 2013-14* (see footnote 6).

[27] See www.nfnc.org.zm/overview.

[28] See http://scalingupnutrition.org/sun-countries/zambia/.

[29] Central Statistical Office, *Zambia: 2013-14* (see footnote 6).

including diarrhoea. According to the Demographic and Health Survey conducted in 2010, almost one third or all children aged 6-23 months had suffered from diarrhoea.

3. Increases in levels of obesity and unhealthy eating habits

92. Unbalanced nutrition occurs where the body receives excess food energy as a result of eating too many carbohydrates, eating inappropriate food and not taking enough exercise. Unbalanced nutrition leads to excess weight and obesity. Excessive body weight is emerging in Zambia as an issue in urban areas owing to changing life styles, coupled with diets high in fortified sugar and maize, placing this segment of the population at risk of a variety of obesity-related diseases. According to the 2013 Demographic and Health Study, 23 per cent of women of reproductive age were overweight nationally, and 35 per cent of all women in urban areas. At the national level, 6 per cent of children were overweight. The Special Rapporteur was encouraged to learn that the Ministry of Health had already observed this tendency and aimed to take preventive measures.

93. The Special Rapporteur welcomes the Government's policies on nutrition, and recalls that these should be multidimensional and avoid promoting isolated action against malnutrition, such as "medicalized" or product-based approaches focusing on ready-to-use foods. It is crucial that nutrition policies are comprehensive – targeting all forms of malnutrition, including micronutrient deficiency and obesity – and are adequately supported financially. Their impact should be assessed regularly on the basis of relevant human rights indicators.

D. Sustainability: risks associated with large-scale commercial agriculture

94. The development model that Zambia has chosen, with its focus on export-based, large-scale agriculture, has led to deforestation, competing demands on water resources and an increased use of chemical fertilizers and pesticides, all consequences with a direct impact not only on human health but also on the quality of the soil and water resources. In accordance with the principle of sustainability, States should take appropriate measures and impose regulations on the private sector to ensure that practices that have an impact on food, land or natural resources do not put the wide availability or the accessibility of food at risk.

95. Zambia is one of the most forested countries in Africa, with more than 60 per cent covered by woodland. The high rate of deforestation – estimated at between 250,000 and 300,000 hectares per year – makes Zambia one of the top 20 greenhouse gas-emitting countries in the world. Deforestation is in part due to the clearing of new land for industrial agriculture, after the fertility of old land has been depleted, and also to the expansion of large-scale industrial agriculture.[30]

96. In the context of large-scale industrial agriculture, it is vital that development plans and policies take into account the real cost of protection measures for land and water resources and the impact of environmental degradation on future generations, instead of concentrating solely on short-term gain and economic growth.

1. Uncontrolled use of pesticides

97. It is important to highlight the dangers of exposure to pesticides for human health, in particular that of children and pregnant women, as well on the environment. The Special Rapporteur was disturbed to learn that farmers use glyphosate, a highly toxic pesticide that has been banned in many developed countries owing to its harmful effects on human health, and urges the Government of Zambia to follow suit. She furthermore expresses her concern that Zambia lacks effective monitoring systems to regulate the pesticide industry and control pesticide use by the agribusiness, which can lead to human rights violations.

[30] See Global Soil Partnership and Ministry of Agriculture and Livestock, "Priorities for the Management of Soils in Zambia" (available at www.fao.org/fileadmin/user_upload/GSP/docs/elmina/Zambia_Priorities.pdf).

98. Exposure to pesticides can have a harmful impact on human health; children and pregnant women are particularly vulnerable to its effects. The Special Rapporteur took the opportunity to interview children who had been forced to work directly with pesticides and even to sleep in places where they were stored.

99. Given the indivisibility of human rights, the adverse effects of pesticides violate not only the right of access to safe and adequate food but other human rights as well. Article 12 of the International Covenant on Economic, Social and Cultural Rights provides for the right to the highest attainable standard of health (para. 1) and requires States to take measures to improve all aspects of environmental and industrial hygiene (para. 2 (b)). Exposure to pesticides, whether at work or at home, or in the form of waste products in food or water, violates a person's right to the highest attainable standard of health.

2. Genetically modified organisms

100. Biotechnology is the most rapidly adopted crop technology in the history of modern agriculture. Genetically modified organisms were prohibited by the Biosafety Act in 2007. The Special Rapporteur welcomes the State's stance on genetically modified organisms, and reiterates that, as recalled by the Committee on Economic, Social and Cultural Rights, the right to food places an obligation on States to participate actively in actions aimed at improving people's access to and utilization of resources and means to assure their livelihood.

3. Alternative production methods

101. During her visit, the Special Rapporteur had the opportunity to visit the Kasisi agroecological farm in Lusaka Province. Agroecological practices have proved to be successful in many parts of the world, not only in the production of impressive yields but also the promotion of environmentally friendly practices, providing livelihoods and reducing rural poverty.

102. Agroecology as such represents an important alternative to industrial, monoculture agriculture that should be seriously considered by the Government in order to achieve diversification, sustainability, the protection of natural resources, management of climate change and the protection of small-scale farmers. In this context, the Special Rapporteur refers to the 2030 Agenda for Sustainable Development, to which the Government has committed, in particular Sustainable Development Goal 2, on ending hunger, achieving food security and improved nutrition, and promoting sustainable agriculture. Agroecological practices should be appropriately supported by official training and funding incentives.

VI. Population groups requiring special attention

A. Women

103. Gender discrimination is still pervasive in Zambia. It limits women's opportunities to have access to land, education, credit and other productive assets, and creates a power imbalance that prevents women and girls from taking full control of their lives. The customary practices of some communities give men greater authority over land, and women have little say about securing alternative land when they face displacement.

104. Physical and sexual violence against women and girls further illustrates gender inequalities, which have a strong link with the social, economic and cultural situation of women. According to data from the Ministry of Home Affairs, in 2014 alone, 15,153 cases of gender-based violence and violent crime were recorded in Zambia. The Special Rapporteur was informed during the mission that unattended adolescent girls in farms during the harvest season are subject to sexual violence. She met with single teenage mothers who had had children each year from a different partner, which left both the mother and the children in an extremely vulnerable situation.

105. Zambia should honour its obligations under the Convention on the Elimination of All Forms of Discrimination against Women by taking immediate action to eliminate situations that increase women's vulnerability.

B. Agricultural workers, including child labour

106. The poorest and most vulnerable people in rural Zambia tend to be agricultural workers that work for less than $2 a day on other people's farms. Such low wages and the labourers' inability to work on their own farms leave them trapped in generational cycles of poverty. Pre-set production volumes force families to employ their children in order to reach targets. Some 92 per cent of child labour in Zambia is found in the agricultural sector, often with the consent of families.

107. During her visit, the Special Rapporteur visited a corporate social responsibility programme organized by the International Labour Organization, ARISE, in the Mankuye community, Kaoma, Western Province. She was disturbed to observe the widespread practice of child labour in the agriculture sector. Despite the relative success of the programme in reaching a number of children and allowing them to return to school, it also showed that the use of children is a widespread phenomenon. The Special Rapporteur was informed that children as young as 7 years of age are left to work in difficult and unmonitored conditions, sometimes sleeping unattended overnight in fields, where they are exposed to gender-based and other forms of violence.

108. The Special Rapporteur was alarmed to learn that children are required to apply pesticides to crops, exposing them to very serious health risks. In Zambia, a person is legally allowed to work at the age of 15, although a statutory instrument prohibits the employment of children and young persons in hazardous work. Hazardous work is defined as work that, by its nature, poses danger or unhealthy conditions and in which persons are particularly at risk of injury, illness, health, safety or moral harm, or even death; for example, handling and spraying chemicals on a tobacco farm would be considered a hazardous occupation, and therefore prohibited for all children and adolescents under the age of 18.

109. Zambia has taken some important steps forward in the protection of children from child labour. In 2015, it adopted the Employment Amendment Act prohibiting casual employment in the informal sector, with an indirect effect on child labour. In addition, the Minimum Wages and Conditions Act provides for minimum wages to be paid. All farm enterprises are expected to abide by the said laws. The Ministry of Labour carries out inspections to ensure compliance. Gaps still remain, however, in the current legal framework with regard to children. The Education Act does not include the specific age at which education is compulsory, which leaves children in a vulnerable situation and could expose them to the worst forms of child labour.[31]

110. Enforcement of the law is limited, in particular outside of the industrial sector, owing to a lack of resources and inspections.[32] While the Labour Commission effectively enforces minimum age requirements in the industrial sector, it seldom enforces minimum age standards in the informal sector, including agriculture. In the agricultural sector, inspectors from the Ministry of Labour and Social Security tend to focus on counselling and educating rather than recommending legal action, since many children working in the sector do so with the consent of their families.

111. The Special Rapporteur recommends that nationwide institutional measures be taken to address these issues. The root causes of child labour, embedded in the contract farming system, should be tackled and labour intensive agricultural practices be carefully monitored.

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[31] See United States Department of Labour, Bureau of International Labor Affairs, Child Labor and Forced Labor Reports: Zambia (available at www.dol.gov/agencies/ilab/resources/reports/child-labor/zambia).

[32] Ibid.

112. In accordance with the State's responsibility stemming from article 32 of the Convention on the Rights of the Child, on providing protection for children from economic exploitation, the Special Rapporteur calls for prevention measures to reduce the entry of vulnerable children into the labour market and for direct action to identify and withdraw those children working in the worst forms of labour.

C. People living in refugee camps

113. According to statistics provided by the Office of the United Nations High Commissioner for Refugees (UNHCR), in 2017 there were more than 57,000 refugees and others of concern in Zambia. More than 23,000 were from the Democratic Republic of the Congo, around 19, 000 from Angola, and some 13,000 from Rwanda, Burundi and Somalia. Despite its own high levels of poverty, the hospitality shown by Zambia in hosting these refugees is commendable.

114. The majority of refugees reside in the settlements of Meheba in the North-Western Province and Mayukwayukwa in the Western Province, while the remainder are scattered across the country. The Cabinet has approved the introduction of a bill in Parliament to repeal and replace the Refugees Act of 1970, to provide for more effective administration and management of refugees. The bill will also seek to facilitate the domestication of international and regional conventions on refugees to which Zambia is a signatory.

115. Following the phase-out in 2013 of food assistance by the World food Programme, UNHCR replaced the monthly distribution of food to vulnerable refugees and new arrivals with cash assistance in an effort to increase their purchasing potential. The core purpose of the cash assistance is to enable refugees to meet their minimum needs and, in the process, accord them dignity and freedom of choice. The amount provided – which is in line with the Government's social cash transfer programme – is apparently insufficient for refugees to secure a minimum standard of living.

116. During her visit to the Mayukwayukwa refugee camp, the Special Rapporteur spoke with women, young men and children. Many described having to face a desperate situation in which they lacked any opportunity to cultivate land or to gain another livelihood to improve their condition. Refugees and migrants are faced with restrictions on their freedom of movement and are not automatically granted the right to work. Often forced into the informal economy when escaping the refugee settlements, they face risks of exploitation, abuse, arrest and prolonged detention. In accordance with its obligations under international human rights law, the Government of Zambia should guarantee refugees and asylum seekers the rights to seek work, to have access to health care and education, and to enjoy freedom of movement.

VII. Conclusions and recommendations

117. **Zambia has adopted a wide range of policies and programmes to strengthen the agricultural sector, in turn helping to ensure the effective enjoyment of the right to food as part of the right to an adequate standard of living.**

118. **Although the implementation of a free-market economic policy has contributed to impressive growth, that growth has not inclusive and not benefited everyone. Access to adequate and nutritious food is a challenge throughout most of the country, with women and children in rural areas faring worst. An alarming 40 per cent of children under 5 years of age in Zambia are stunted.**

119. **The Government's policy of turning export-oriented large-scale commercial agriculture into the driving engine of the national economy, in a situation where land protection is weak, runs the risk of pushing peasants off their land, which in turn could push them out of production, with a severe impact on their right to food.**

120. **In order to meet its human rights obligations, especially the right to food, the Special Rapporteur makes the recommendations below.**

Legal and institutional framework

121. **The Special Rapporteur recommends that Zambia:**

(a) Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and the Optional Protocol to the Convention on the Rights of the Child;

(b) Honour its obligations under the Convention on the Elimination of All Forms of Discrimination against Women by taking immediate action to implement principles that protect the livelihood of rural women and eliminate their vulnerability;

(c) Guarantee the inclusion of the explicit recognition in the Constitution of the right to adequate food;

(d) Prepare and adopt a human rights-based national framework law on the right to food, with effective benchmarks and implementation plans for each region, which should include a financial structure that contains the necessary budgetary and taxation measures for support smallholder farmers, as well as gender sensitive budgeting; protect long-term sustainability for agricultural production; establish authorities and agencies responsible for implementation; and provide for proper supervision and accountability mechanisms to promote the full and active participation of all interested parties, including those most vulnerable;

(e) Enact impending legislation, including the social protection bill, fast-track the bill on food and nutrition, and allocate budgetary and human resources for their effective implementation.

Agricultural policy

122. **The Special Rapporteur recommends that Zambia:**

(a) Adopt a gender-sensitive, inclusive national land policy based on human rights principles, and establish an effective monitoring mechanism;

(b) Ensure an effective land administration system and efficient enforcement of the existing laws and regulations concerning the allocation, sale, transfer and assignment of land;

(c) Amend sections of the Lands and Deeds Registry Act to afford State and customary land equal standing;

(d) Strengthen protection against forced evictions, in accordance with the criteria established by the Committee on Economic, Social and Cultural Rights;

(e) Ensure the application of the basic principles and guidelines on development-based evictions and displacement (A/HRC/4/18, annex I), which constitute a practical tool to assist States and agencies in developing policies, legislation, procedures and preventive measures to ensure that forced evictions are not made, to prevent violence and to provide effective redress for persons whose human rights have been violated.

Availability

123. **The Special Rapporteur recommends that Zambia continue to support small-scale food producers, particularly women and young people, and increase incomes by ensuring fair access to land and other productive resources.**

Accessibility

124. **The Special Rapporteur recommends that Zambia extend the coverage of school meals to cover 100 per cent of children, giving priority to rural areas, and adopt a simplified system for purchasing agricultural produce from family farming and local producers.**

Adequacy

125. **The Special Rapporteur recommends that Zambia develop properly financed comprehensive nutrition policies aimed at dealing with stunting and wasting in children, as well as all forms of malnutrition, including obesity and micronutrient deficiency; their impact should be monitored and assessed on the basis of the relevant human rights indicators.**

Sustainability

126. **The Special Rapporteur recommends that Zambia:**

(a) Establish an effective legal and institutional framework for environmental protection that protects human health and prevents soil degradation and water contamination as a result of intensive farming or large-scale animal husbandry;

(b) Legislate to limit the excessive and dangerous use of toxic agrochemical products, providing for appropriate sanctions for those who break the law and adequate compensation for persons affected, together with appropriate implementation monitoring systems;

(c) Promote organic farming and agroecological methods, and provide them with support, including financial mechanisms and the introduction of training programmes on agroecological agriculture.

Population groups

127. **The Special Rapporteur recommends that Zambia:**

(a) Improve the mainstreaming of the gender perspective in the institutional, legal and legislative framework with regard to the right to adequate strategies and programmes on food and nutritional security and the right to rural development, and support women farmers with additional incentives, access to credit and other agricultural resources;

(b) Take urgent measures to address the issue of child labour in the agricultural sector at its root causes;

(c) Implement international standards to national laws that guarantee refugees and asylum seekers the rights to seek work, to have access to health care and education, and to enjoy freedom of movement.

General

128. **The Special Rapporteur also recommends that Zambia:**

(a) Ensure the proper functioning of an independent institution overseeing human rights, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), crucial to the protection and promotion of human rights;

(b) Implement the voluntary guidelines issued by the Food and Agriculture Organization of the United Nations (FAO) on activities relating to the establishment of national agricultural policies, and specifically the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security, the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security and the Principles for Responsible Investment in Agriculture and Food Systems;

(c) Continue efforts to implement the Sustainable Development Goals, particularly Goal 2 on ending hunger, achieving food security and improved nutrition, and promoting sustainable agriculture, and establish a human rights-based national review supervision system.